REMARKS

Claims 1-13 are pending in this application. In this Response, Applicant has provided remarks that explain some of the differences between the present invention and the references cited by the Examiner. In light of these remarks, Applicant submits that the pending claims are in condition for allowance. Reconsideration and allowance of the pending claims is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. §§ 102 and 103

At pages 2-7 of the Office Action, the Examiner rejected claims 1-3 and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,566,295 to Cypher *et al.* ("Cypher"). The Examiner also rejected claims 4, 6, and 8-10 as being obvious over Cypher in view of U.S. Patent No. 4,868,755 to McNulty *et al.* ("McNulty"). For at least the reasons set forth below, Applicant submits that the Examiner's rejections have been overcome.

As a threshold matter, Cypher describes a computer program. This is in contrast to the present invention, which in one embodiment comprises a computer program in interaction with a physical entity, *e.g.*, a "real" apparatus/tangible system/machine or a simulator, controlled by the computer program. Secondly, Cypher relates to an interface for creating rules for computer simulations, which simulations are to be used in a computer game and presented on a computer screen. The present invention, on the other hand, relates to the creation of a decision support. The user creates a rule system comprising rules, built up using premises and conclusions in such a way that, during simulation the users push on conclusion-buttons and in the same moment values are stored for premises chosen by the user, *i.e.*, premises identified by the user as probably relevant for the conclusion. The premises relates to (measured) states in the real or simulated apparatus/tangible system/machine.

In sum, the user of the Cypher reference determines the rules for the simulations done by the computer program while in one embodiment of the present invention, the user does not determine the rules. Instead, the rules are built up by determining values of a number of premises determined by the user to be related to the executed conclusions and to relate the values of the determined premises to the executed conclusions. As such, Cypher does not teach or suggest a method for establishing rules for a device used for generating decision support for user decisions which determine the behavior of an apparatus, a tangible system or a machine and/or

for controlling the behavior of an apparatus, a tangible system or a machine, as defined in claim 1. As mentioned above, Cypher relates to an interface for easily adapting the rules in simulations performed in a computer program, which simulations are used in a game presented on a computer screen.

Further, Cypher does not teach or suggest running a device in a real or simulated version of an apparatus, tangible system or machine, or user thereof such that the apparatus, tangible system, machine or user thereof goes through a behavior or behavior scenario, as defined in claim 1. Moreover, Cypher discloses no interactions with entities outside the computer running the computer program. Additionally, Cypher does not describe analyzing of the decisions that have been made by the user and determining or modifying the rules for which the user has made decisions concerning that one or more conclusions shall be executed in accordance with the analysis that has been carried out, as defined in claim 1. In Cypher, the user amends the rules, while in the present invention the rules are automatically updated based on performed decisions.

Applicant further submits that the Examiner's § 103 rejection also lacks basis. Cypher could not be used in an obviousness rejection. A person skilled in the art would not turn to computer programs for use in games (such as SimCity) to search for solutions for building up a decision support for controlling an entity such as an apparatus, tangible system, or machine. Further, combining McNulty (which relates to a mission planner for aircraft) with Cypher (related to a computer program as such) in order to come up with a method for establishing rules in building up a decision support tool would not be obvious to a skilled artisan. Even if, *arguendo,* it is obvious to combine the two references, they do not suggest all the features of the present invention.

As such, Applicant submits that independent claim 1 is in condition for allowance. Applicant further submits that claims 2-13 are in condition for allowance at least by virtue of their dependency on claim 1, but also for additional novel features recited therein. Reconsideration and allowance of the pending claims is respectfully requested.

CONCLUSION

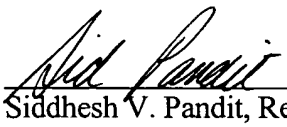
All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending

claims, Applicant invites the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith extending the time for response one month to and including December 31, 2006. A Fee Sheet Transmittal is also submitted herewith to pay for the extension of time. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 195127, Order No. 25880.0019.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP

Dated: December 28, 2006

By: 

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